

FEB 7 2011

**FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983  
in the United States District Court for the Western District of North Carolina**

U.S. DISTRICT COURT  
WESTERN DISTRICT OF NC

Michael Lee Green

3:11-cv-69

(Enter above full name of plaintiff—only one plaintiff)  
permitted per complaint)

North Carolina State Bureau of Investigation Crime Lab Raleigh  
Robin Pendergraft  
Jennifer Lindley  
Lilesville Police Dept.  
Off. Kevin R Mullis

(Enter above full name of defendant or defendants)

**I. Previous law suits**

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes ( ) No (✓)
- B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to previous lawsuit: N/A

Plaintiffs: \_\_\_\_\_

Defendants: \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county): N/A

3. Docket number: \_\_\_\_\_

4. Name of judge assigned to case: \_\_\_\_\_

5. Disposition (for example, was the case dismissed? appealed? is it still pending?) \_\_\_\_\_

6. Approximate date of filing lawsuit: N/A

**II. Previous *in forma pauperis* lawsuits**

- A. While incarcerated or detained in any facility, have you filed a lawsuit in any federal court in which you were allowed to proceed *in forma pauperis* (without prepayment of fees)?

( ) Yes (✓) No

1. Name the court and docket number for each: N/A

B. Were any of these cases dismissed under 28 U.S.C. § 1915(d) on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted? Yes ( ) No ( )

1. If yes, how many? \_\_\_\_\_

2. Name the court and docket number for each: \_\_\_\_\_

N/A

### III. Exhaustion of Inmate Administrative Remedies

A. Did you present the facts of each claim relating to your complaint to the Inmate Grievance Commission or any other available administrative remedy procedure? Yes ( ) No ( )

B. If your answer is Yes:

1. When did you file your grievance? \_\_\_\_\_

N/A

2. What was your grievance? \_\_\_\_\_

N/A

3. Did you appeal any adverse decision to the highest level possible in the administrative procedure? Yes ( ) No ( )

If yes, when was the decision and what was the result? \_\_\_\_\_

N/A

C. If your answer to A is no, identify the claim(s) and explain why not: \_\_\_\_\_

N/A

(\*Please Attach Copies of All Filed Grievances)

### IV. Parties

#### A. Plaintiff(s)

Name of plaintiff: \_\_\_\_\_

Michael Lee Green

Current address (place of confinement): \_\_\_\_\_

P.O. Box 34429  
Charlotte, N.C.

Mecklenburg County Jail

(You may lose important legal rights unless you immediately notify the court of any address change.)

B. Defendant(s) (NOTICE: A person must be identified in this subsection B in order to be considered and served as a defendant.)

Name of defendant 1: \_\_\_\_\_

North Carolina State Bureau of Investigation Raleigh

Position: \_\_\_\_\_

Place of employment: \_\_\_\_\_

Current address: \_\_\_\_\_

Additional defendant(s) (provide name, position, place of employment, and current address for each)

Defendant 2: \_\_\_\_\_

Robin Pendergraft Ex-Director of N.C.SBI Lab  
Current address unknown

Defendant 3: \_\_\_\_\_

Jennifer J. Lindley Special Agent, Chemist  
N.C.SBI Lab Current address unknown

Defendant 4: Lilesville Police Department; 114 East Wall St. P.O. box 451  
Lilesville NC, Anson County  
Defendant 5 Off. Kevin R. Mullis police officer Lilesville P.D. current address unknown  
(Continue on a separate sheet if necessary.)

#### V. Statement of Claim

State here as briefly as possible the FACTS in your case. Do this by describing how each defendant named in Section III.B. above is personally involved in depriving you of your rights. Include relevant times, dates, and places. YOU MAY, BUT NEED NOT, GIVE LEGAL ARGUMENTS OR CITE ANY CASES OR STATUTES. You may only combine claims involving events that relate to all defendants. Number and set forth each separate claim in a separate paragraph. Unrelated claims involving separate events must be set out in a separate complaint. (Attach extra sheets if necessary.)

North Carolina State Bureau of Investigation Raleigh  
is the office in which two of the defendants are employed

Robin Pendergraft was the director in charge of the  
SBI Lab at the time of these alleged acts and  
had implemented and or allowed a plan for the Forensic  
Chemists to do visual inspections of small amount drug  
cases instead of chemical analysis as a way to save money  
for the Lab which resulted in my rights being  
violated.

Jennifer J. Lindley = I was pulled over at a traffic stop  
in Anson County May 2007 which resulted in me being  
arrested for possession of Cocaine for some Candle wax  
that was on the floor board of the rental jeep I was  
driving. The evidence was subsequently mailed to the  
N.C. SBI Lab for testing. Forensic Chemist Jennifer Lindley  
was assigned to this particular evidence. Mrs. Lindley claimed  
she performed 5 tests a Microcrystalline test, Infrared test  
a Gas Chromatograph mass spectrometer, Cobalt test and a  
Marquis Color test but she only produced one test report which  
she falsified and misled Anson County D.A. Mr. M. Parker and  
Western Dist of North Carolina U.S. Attorney Kelli Ferry to believe that  
the Candle wax was indeed Cocaine and me being falsely incarcerated.  
If Forensic Chemist Jennifer Lindley would have performed the test in  
which she claimed she did she would have discovered it was not  
Cocaine but Candle wax. Jennifer Lindley testified against me in

my Federal drug trial in which she gave false testimony claiming to have done  
a test which led her to believe the candle wax was cocaine but stated  
that she didn't know if it was crack cocaine or powder cocaine because  
she had not tested and therefore prejudiced my jury against me.  
Lilesville Police Dept. employed defendant Officer Kevin R. Mullis  
Officer Kevin R. Mullis initiated this injustice by giving a false  
statement via a sworn affidavit to an Anson County Magistrate claiming  
that upon my arrest he performed a field test on the candle wax and it tested positive  
for cocaine, but once he was called to testify by U.S. Atty. Kelli Terry in my  
federal trial he changed his statement and said he never performed a field test and when asked  
VI. Relief why he lied in his sworn affidavit to the Anson County Magistrate he stated "I don't recall."

STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. YOU NEED  
NOT MAKE ANY LEGAL ARGUMENTS, OR CITE ANY CASES OR STATUTES.

I would like for this court to issue an IMMEDIATE Injunction  
Ordering the evidence tested by Forensic Chemist Jennifer  
Lindley to be sent to an independent Lab for re-testing in  
United States V. Michael Lee Green docket # 3:09 CR39  
without this injunction my rights will be further violated.  
My court date is February 9th 2011.

I would like for this court to give me a jury trial on  
these complaints and/or order these defendants to  
pay me a monetary sum in the excess of Ten thousand  
dollars.

Signed this 4 day of February, 2011.

Prison No. 185321

Signature

Michael L. Green